

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

EMPIRE BONDING AGENCY, INC.,

*Plaintiff,*

v.

JOE MASTRAPA, BAIL YES, INC., ITS  
FOR ALL MEDIA GROUP, and DOES 1  
through 10

*Defendants.*

Civil Action No. 07 CV 5732 (GBD/DFE)

**NOTICE OF MOTION TO DISMISS**

**PLEASE TAKE NOTICE** that, upon the accompanying Memorandum of Law dated October 18, 2007, Plaintiff Empire Bonding Agency, Inc. will move this Court at Courtroom 15D, United States Courthouse Building, 500 Pearl Street, New York, New York, at such time as may be set by the Court, for an order, pursuant to Rule 12 (b) (6) of the Federal Rules of Civil Procedure, dismissing defendants' Counterclaim for Breach of Contract for failure to state a claim against the Plaintiff, Empire Bonding Agency, Inc.

Dated: New York, New York  
October 18, 2007

GOTTLIEB, RACKMAN & REISMAN, P. C.

By: s/ George Gottlieb/  
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